

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1698 of 2019

1. Ku. Kaushalya Dansena, D/o Premlal Dansena Aged About 48 Years Caste-Kalar, R/o Vill.- Kachhar Tah. and Thana - Pathalgaon, District Jashpur, Chhattisgarh.
2. Kapoor Bilaas Dansena S/o Premlal Dansena Aged About 55 Years Caste-Kalar, R/o Vill.- Kachhar Tah. and Thana- Pathalgaon, District Jashpur, Chhattisgarh.
3. Gopal Krishana Dansena S/o Premlal Dansena Aged About 45 Years Caste-Kalar, R/o Vill.- Kachhar Tah. and Thana- Pathalgaon, District Jashpur, Chhattisgarh.
4. Dhananjay Dansena S/o Gopal Krishana Dansena Aged About 22 Years Caste- Kalar, R/o Vill.- Kachhar Tah. and Thana- Pathalgaon, District Jashpur, Chhattisgarh.
5. Khitish Dansena S/o Kapoor Bilaas Dansena Aged About 24 Years Caste-Kalar, R/o Vill.- Kachhar Tah. and Thana- Pathalgaon, District Jashpur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through- Police Station- Pathalgaon, District Jashpur, Chhattisgarh.

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate.

For Respondent/State : Shri Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

15/11/2019

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 212/2019 registered at Police Station Pathalgaon, District – Jashpur, (C.G.) for the offence punishable under Sections 294, 506, 323, 452 &

147 of Indian Penal Code.

2. As per the prosecution story, on 27.09.2019 at around 8:00 a.m., allegedly all the applicants entered in the house of complainant Shivaji Prasad and abused him and beaten him with hand and fists. Matter was reported by the complainant and on the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that there was previous land dispute between the parties for which civil suit is also pending. On the date of incident, complainant also assaulted Dhananjay Dansena and other applicants. Thereafter, applicant Gopal Krishana Dansena also reported the matter on the same day and on the basis of the said report, offence has been registered against complainant Shivaji Prasad. She further submits that except Section 452 of I.P.C., all other Sections are bailable in nature. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the

Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge